

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN DANIEL QUILLINAN,  
Plaintiff,  
v.  
RUSSELL AINSWORTH, et al.,  
Defendants.

Case No. [4:17-cv-00077-KAW](#)

**ORDER DENYING PLAINTIFF'S  
THIRD ADMINISTRATIVE MOTION  
FOR RELIEF**

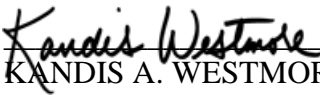
Re: Dkt. No. 55

On August 25, 2017, Plaintiff filed a third administrative motion for an extension of time to file a declaration in support of his consolidated opposition to the pending motions to dismiss. (Pl.'s Mot., Dkt. No. 55.)<sup>1</sup> Plaintiff stated that he needed more time to attach evidence in support of his opposition, including emails and other communications with Defendants, which showed that the eviction was illegal and in retaliation for other conduct. *Id.* at 1-2. The Court does not generally consider this type of outside evidence in deciding a motion to dismiss. Rather, a motion to dismiss is decided based on the sufficiency of the allegations in the operative complaint. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001).

Accordingly, the Court DENIES Plaintiff's administrative motion for an extension of time to file a supporting declaration.

IT IS SO ORDERED.

Dated: September 15, 2017

  
KANDIS A. WESTMORE  
United States Magistrate Judge

<sup>1</sup> Plaintiff is reminded that he is required to lodge hard copies of all electronically-filed documents with chambers in accordance with Civil L.R. 5-1(e)(7). Pursuant to the undersigned's standing order, all chambers copies must have the running ECF header, which includes the docket number. (Judge Westmore's General Standing Order ¶ 4.)